

In the following proposed regulation, underline indicates added text and strikethrough indicates deleted text.

Existing Section 3349 is amended to read:

3349. Method of Execution.

(a) Inmates sentenced to death shall have the opportunity to elect to have the punishment imposed by lethal gas or lethal injection. Upon being served with the warrant of execution, the inmate shall be served with CDC Form 1801-B (4/98), Service of Execution Warrant, Warden's Initial Interview. The completed CDC Form 1801-B shall be transmitted to the warden.

(b) ~~Upon being served with the warrant of execution, t~~The inmate shall be notified of the opportunity for such selection and that, if the inmate does not choose either lethal gas or lethal injection within ten days after being served with the execution warrant, the penalty of death shall be imposed by lethal ~~gas~~ injection. The inmate's attestation to this service and notification shall be made in writing and witnesses utilizing the CDC Form 1801 (Rev. ~~12/92~~ 4/98), Notification of Execution Date and Choice of Execution Method. The completed CDC Form 1801 shall be transmitted to the warden.

(c) The inmate's selection shall be made in writing and witnessed utilizing the CDC Form 1801-A (Rev. ~~12/92~~ 4/98), Choice of Execution Method. The completed CDC Form 1801-A shall be transmitted to the warden.

(d)The inmate's selection shall be irrevocable, with the exception that, if the inmate sentenced to death is not executed on the date set for execution and a new execution date is subsequently set, the person again shall have the opportunity to elect to have the punishment imposed by lethal gas or lethal injection, according to the procedures set forth in sections (a), (b), and (c).

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 3604, Penal Code.